

DEC 19 2007

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

KEVIN R. WILLIAMS,	)	Civil Action No. 7:07cv00019
Petitioner,	)	
	)	
v.	)	<b><u>FINAL ORDER ADOPTING</u></b>
	)	<b><u>REPORT AND RECOMMENDATION</u></b>
	)	
MS. BAYS, <u>et al.</u> ,	)	By: Samuel G. Wilson
Defendant	)	United States District Judge

Kevin R. Williams, brings this suit pursuant to 42 U.S.C. § 1983, claiming that defendants failed to provide him with adequate medical care, subjected him to cruel and unusual living conditions, and transferred him to his current facility to retaliate against him.<sup>1</sup> Defendant Harvey moved for summary judgment and the remaining defendants moved to dismiss. The court referred the matter to United States Magistrate Judge Michael F. Urbanski for a report and recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge subsequently filed a report, finding that plaintiff's complaint was untimely filed. The Magistrate Judge recommends that the court grant defendant Harvey's motion for summary judgment and grant the remaining defendants' motion to dismiss. Williams filed objections within the ten days allotted under 28 U.S.C. § 636(b), largely reiterating the arguments made in his pleadings. Having reviewed the Report and Recommendation, the objections thereto, and pertinent portions of the record de novo in accordance with 28 U.S.C. § 636(b)(1), the court agrees with the Magistrate Judge's recommendation.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that Williams' objections are **OVERRULED**; the Magistrate Judge's Report and Recommendation is **ADOPTED** in its entirety;


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<sup>1</sup> By Order entered May 23, 2007, Williams' claims of cruel and unusual living conditions, retaliatory transfer, and of denial of medical care, except that concerning the razor blades, were dismissed. Further, Williams' claims for injunctive relief were denied as moot. Accordingly, only Williams' claim of denial of medical care with regard to the razor blades remains.

defendant Harvey's motion for summary judgment is **GRANTED**; the remaining defendants' motion to dismiss is **GRANTED**; and this matter is **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send a certified copy of this Order to the plaintiff.

**ENTER:** This 19th day of December, 2007.



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United States District Judge